

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

Salvatore Ingalls
(SSN: XXX-XX-1315)

Debtor.

Hearing Date: February 28, 2013
Hearing Time: 12:30 PM
Hearing Location: Albany

Case No. 12-13123
Chapter 13

TRUSTEE'S OBJECTION TO CONFIRMATION

Andrea E. Celli, Chapter 13 Standing Trustee for the Northern District of New York

(the "Trustee") states the following as and for her objection to confirmation of the Chapter 13

Plan. The Debtor filed the petition for relief on Nov 30, 2012. The Proposed Plan is as follows:

Start	Periods	Amount	Type
12/01/2012	60.00	\$435.00	MONTHLY

The Trustee objects to the confirmation of the proposed plan and submits that the plan does not meet the requirements for confirmation under 11 U.S.C. 1322, 1325 as follows:

PLAN-GOOD FAITH: The plan has not been proposed in good faith, as follows:

-7% to 401(k) with 5% dividend proposed to unsecured

DISPOSABLE INCOME: The Debtor has failed to provide for the submission of all

disposable income, pursuant to 11 U.S.C. Section 1325(b)(1)(B):

-Agreement to minimum disposable income x 60 for unsecured creditors

INFORMATION NEEDED: The Trustee cannot determine if all provisions of 11 U.S.C.

§ 1325 have been met and requests additional information to assist in her determination, as

follows:

-Evidence of perfection of Trustco (1st) mortgage

Renotice plan using new form plan and identify liquidation/disposable income - plan

states disposable income \$9,500 while

means test - \$1,526.40 (\$25.44)

WHEREFORE, the Trustee respectfully requests that this Court issue an Order denying confirmation of the plan or briefly adjourning the hearing on confirmation to allow the movant to resolve the objection contained herein.

Respectfully Submitted,

ANDREA E. CELLI, CHAPTER 13 TRUSTEE

By:/s/

Andrea E. Celli, Chapter 13 Trustee
7 Southwoods Blvd.
Albany, NY 12211
(518) 449-2045

UNITED STATES BANKRUPTCY COURT
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IN RE: Salvatore Ingalls

AFFIDAVIT OF SERVICE

Case No.: 12-13123

Debtor

SHARON MCGUIRE, BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS OVER THE AGE OF 18 YEARS; THAT SHE SERVED A COPY OF **TRUSTEE'S OBJECTION TO CONFIRMATION** DATED FEBRUARY 15, 2013 ON THE FOLLOWING MANNERS: ON FEBRUARY 15, 2013.

VIA ELECTRONIC FILING:

Office of the United States Trustee
74 Chapel Street
Albany, NY 12207

RICHARD CROAK & ASSOC.
314 GREAT OAKS BLVD
ALBANY, NY 12203

VIA REGULAR U.S. MAIL

Salvatore Ingalls
1605-07 Avenue B
Schenectady, NY 12308

BY DEPOSITING A TRUE AND CORRECT COPY OF THE SAME PROPERLY ENCLOSED IN A POST-PAID WRAPPER IN THE OFFICIAL DEPOSITORY MAINTAINED AT 7 SOUTHWOODS PLAZA, ALBANY, NEW YORK DIRECTED TO SAID PERSON(S), AT SAID ADDRESSES.

/s/ SHARON MCGUIRE

SHARON MCGUIRE

Sworn before me this
15th day of February, 2013

/s/ Sandra Spring

Reg. # 4955344

Notary Public - State of NY

Qualified in Rensselaer County

My Commission Expires 08/28/2013